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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,996	08/05/1999	TIMOTHY P. BARBER	2-604.2-1	6192

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/368,996	Applicant(s) Barber
	Examiner Daniel Felten	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Sep 21, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) Other: _____

DETAILED ACTION

1
2
3 1. Receipt of the Amendment filed September 24, 2001 amending claims 1, 2 and adding
4 claims 5-7. Claims 1-7 are pending in the application and are presented to be examined upon their
5 merits.

6
7 *Response to Arguments*

8 2. Applicant's arguments with respect to claim 1 and 2 have been considered but are moot in
9 view of the new ground(s) of rejection.

10
11
12 *Claim Rejections - 35 USC § 103*

13 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
14 rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
16 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
17 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
18 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
19 manner in which the invention was made.

20
21 4. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf (US
22 5,794,211) in view of Toader et al (hereafter "Toader", US 5,774,869).

23

24

25

1 **Regarding claim 1:**

2 Egendorf discloses a method of billing, by a third party, for access by a consumer to information
3 (*vendor and transactional information over the Internet*) made available by a vendor over a computer
4 network (see Egendorf Abstract), the method comprising steps of:

5 having the third party initiate billing and connect the consumer to a location of the vendor
6 where the information resides (see Egendorf, col. 2, ll. 11-15; and col. 3, ll. 18-28).

7 Egendorf fails to disclose that the billing based on how long the consumer elects to access
8 the information. This feature is taught by Toader (see Toader, col. 2, ll. 29 to col. 3, ll. 3). It would
9 have been obvious for an artisan of ordinary skill in the art at time of the invention of Egendorf to
10 integrate his Internet billing method with the sponsor-paid time limited Internet access feature
11 disclosed in Toader because an artisan of ordinary skill in the art would recognize that such a
12 feature would provide an initial incentive to the consumer to access and be exposed to sponsor
13 information over the Internet as an introduction to the timed access consumer-paid billing period.
14 Thus such a modification would provide the Egendorf invention with a means to increase user
15 Internet access and Internet product/service information exposure. Thus such a modification
16 would have been an obvious expedient to one of ordinary skill in the art.

17 Egendorf fails to disclose when a consumer visits a vendor network address and decides to
18 purchase access to information from the vendor, having the consumer exercise a link that will
19 connect the consumer to the third party where the third party is a provider. This feature is taught by
20 Toader (see Toader, col. 4, 6-40). Because Egendorf's invention relates to access to the Internet via
21 an Internet Service Provider (ISP), it would have been obvious to an artisan of ordinary skill in the
22 art at the time of the invention of Egendorf to integrate the aforementioned link feature, as
23 disclosed by Toader, into the Egendorf invention because an artisan of ordinary skill would
24 recognize that the notoriously old and well known Internet Browser uses links (via HTML) to

1 connect users to various webpage resources throughout the Internet. Thus such a modification
2 would be considered an obvious expedient, as well as, an obvious convention within the ordinary
3 skill in the art.

4 Egendorf fails to disclose wherein in initiating billing of the consumer, the third party begins
5 timing access by the consumer to the information made available by the vendor. This feature is
6 disclosed by Toader (see Toader, col. 2, ll. 62 to col. 3, ll. 3). It would have been obvious for an
7 artisan of ordinary skill at the time of the invention of Egendorf to integrate the aforementioned
8 feature into his system because an artisan would have recognized the fact that such a feature would
9 be advantageous to the Egendorf method when providing services over the Internet that are time
10 limited. For example, there are on line auctions that charge users for registering into auctions that
11 run over a predetermined length of time. Thus to integrate the aforementioned feature into the
12 Egendorf Internet billing method would be considered an obvious expedient well within the
13 ordinary skill in the art.

14
15 5. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf (US
16 5,794,211) and Toader et al (hereafter "Toader", US 5,774,869) as applied to claim 1 above, and
17 further in view of Usui (US 5,956,697).

18
19 **Regarding claims 2 and 5:**
20 The teachings of Egendorf as modified by Toader have been discussed above. Egendorf as modified
21 by Toader fail to teach
22 having the vendor make available over the computer network a pricetag link that will
23 connect a prospective consumer with the third party;

1 if the consumer exercises the pricetag link, having the third party return to the consumer a
2 pricetag page that includes a price-per unit time for access to the information made available for
3 access by the vendor, a maximum duration of access for which the consumer is authorize, and a
4 linked to start session address, which is an address of the third party;

5 if the consumer exercises the link to the start session address having the third party return
6 to the consumer an end session link which the consumer can sue to terminate the purchase of
7 access to information from the vendor earlier than waiting for the maximum duration of access to
8 information of access to expire, and authentication code;

9 also if the consumer exercises the link to the start session address having the third party
10 provide to the vendor the consumer authentication code and the consumer address and begin billing
11 the consumer beginning when the consumer exercised the start session link;

12 having the vendor provide to the consumer page located at the connect address of the
13 vendor that provides and access link to the information made available by the vendor.

14 Usui discloses the aforementioned features (see Usui, col. 2, ll. 15-51; and col. 2, 60+). In view of
15 the teachings of Usui it would have been obvious to an artisan of ordinary skill at the time of the
16 invention was made to employ the teachings of Usui to the teachings of Egendorf as modified by
17 Toader because an artisan of ordinary skill in the would recognize that the teachings of Usui would
18 have been an obvious extension to the teachings of Egendorf as modified by Toader inasmuch as
19 Usui would constitute a substitution of art recognized equivalents as well as an alternative means of
20 Internet access and electronic transactions between the consumer and the vendor. Thus such a
21 modifications would provide the latest technology to link and authenticate users and vendors over
22 the Internet.

1

2

3 **Regarding claim 3:**

4 wherein when I the consumer accesses the network address of the vendor, the vendor transmits to
5 the consumer a page with the pricetag link that provides enough information to the consumer for
6 the consumer to decide whether to look further in for purchasing information from the vendor

7

8 **Regarding claim 4:**

9 wherein the third party redirects the consumer to link to the vendor and in so linking passes to the
10 vendor the consumer authorization code and consumer address as parameters of the link.(see
11 explanation for claims 2 and 5)

12

13 **Regarding claim 6:**

14 wherein the means by which the third party is able to determine when access by the consumer to the
15 information is terminated is based on a maximum duration of access to the information, and further
16 wherein the third party determines when the access by the consumer to the information is
17 terminated by determining that the maximum duration has expired (see explanation for claims 2 and
18 5)

19

20 **Regarding claim 7:**

21 wherein the means by which the third party is able to determine when access by the consumer to the
22 information is terminated includes and end session link that is a link the consumer can use to
23 terminate the purchase of access to information from the vendor, and further wherein the third

1 party determines when the access by the consumer to the information is terminated by determining
2 that the consumer has exercised the end session link (see explanation for claims 2 and 5).

3

4 *Conclusion*

5

6 6. A list of relevant prior art appears below not relied upon in this Office Action:

7 **US Patents:**

8 Toader et al (US 5,749,075) discloses a method for providing prepaid Internet access and long
9 distance calling including the distribution of specialized calling cards.

10 7. Any inquiry concerning this communication or earlier communications from the examiner
11 should be directed to *Daniel S. Felten* whose telephone number is (703) 305-0724. The examiner
12 can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry
13 of a general nature relating to the status of this application or its proceedings should be directed to
14 the Customer Service Office (703) 306-5631, or the examiner's supervisor *Vincent Millin* whose
15 telephone number is (703) 308-1065.

16

17 8. Response to this action should be mailed to:

18

19 Commissioner of Patents and Trademarks
20 Washington, D.C. 20231

21

22 for formal communications intended for entry, or (703) 305-0040, for informal or draft
23 communications, please label "Proposed" or "Draft".

24 Communications via Internet e-mail regarding this application, other than those under 35
25 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
26 addressed to *[daniel.felten@uspto.gov]*.

1
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4 Commissioner of Patents and Trademarks
5 Washington, D.C. 20231

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9 Communications via Internet e-mail regarding this application, other than those under 35
10 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
11 addressed to *[daniel.felten@uspto.gov]*.

12 All Internet e-mail communications will be made of record in the application file. PTO
13 employees do not engage in Internet communications where there exists a possibility that sensitive
14 information could be identified or exchanged unless the record includes a properly signed express
15 waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the
16 Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on
17 February 25, 1997 at 1 195 OG 89.

18
19 
20 DSF
21 August 28, 2002

22

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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